

Appl. No. 09/857,007
Amendment in response to
Office Action mailed 06/30/2004

REMARKS

In the Office Action mailed 06/30/2004, the Examiner rejected claims 1-11 under 35 U.S.C. s. 103(a) as unpatentable over Mitschele et al. United States Patent no. 5,777,951 in view of Sterzer United States Patent no. 4,001,822; rejected claim 14 under 35 U.S.C. s. 103(a) as unpatentable over Mitschele et al. and Sterzer as applied to claim 1 further in view of Mongiardino PCT published application no. 99/30290, and rejected claim 13 under 35 U.S.C. s. 112 first paragraph as failing to comply with the written description requirement. Claim 13 has been amended. New claims 15 and 16 have been added. It is submitted that the presently-submitted claims are patentable over the prior art of record and in compliance with 35 U.S.C. s. 112.

With regard to the Examiner's objection to claim 13 under 35 U.S.C. s. 112 first paragraph as failing to comply with the written description requirement, the disclosure at page 8, lines 1-3 discloses that the digital camera can act as both the vehicle sensor and vehicle identification means in addition to the electronic interrogation signal. Claim 13 has been amended for clarity and to remove a typographical error.

Turning to the Examiner's obviousness objection to claims 1-11 under 35 U.S.C. s. 103(a), although Applicant has found that identification tag systems of the type disclosed in Sterzer are useful in the present invention, it does not follow that it would be obvious to combine Mitschele and Sterzer to arrive at the claimed invention. The system in Sterzer is aimed at providing a two-way communication channel between a wayside station or a police car and passing vehicles to inform the vehicles of hazardous conditions, detours etc. (column 1, lines 34-38). The system disclosed in Sterzer provides a two-way communication system whereby the interrogator station

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communicates a message to the target vehicle which is displayed by an illuminated display (column 8 lines 29-44). The examples given in Sterzer relate to communicating general codes to groups of vehicles indicating hazardous conditions, detours, speed zones etc. (column 8 lines 33-35), or messages to specific vehicles such as stop and check in at the station (column 8 lines 42-44). The problems addressed in Sterzer are traffic control, collision avoidance, automatic braking and wayside communication systems (column 1, lines 19-26) and remote identification of fast moving vehicles (column 1, lines 27-29). There is no suggestion that the system would have use in parking meter applications. The present applicant has identified that the vehicle identification feature only of Sterzer has useful application in parking enforcement. Due to the nature of the two-way communication applications in Sterzer, communication ranges of 100 meters are disclosed (column 10, lines 39-43) which would be inapplicable to a parking meter application where a maximum range greater than one parking space would not work.

Claims 13 and 14, being dependent from an allowable independent claim, are similarly patentable, it is submitted. Claim 15, in which a digital camera forms both the identification and detection means, is nowhere disclosed in the cited art. Claim 16 is of similar scope to claim 1, but limits the range of the electronic tags for the parking enforcement application of the invention in a way not contemplated in the prior art.

It is submitted therefore that the presently-submitted claims are allowable, and issuance of a Notice of Allowance is respectfully requested.

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Respectfully submitted,

By: Bruce M. Green
Bruce M. Green
Registration No.: 30,524
Tel.: 604-669-3432
Fax : 604-681-4081

Vancouver, B.C.
CANADA

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I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Bruce M. Green Reg. No. 30,524
Name of Person Signing Certification

Bruce M. Green December 30, 2004